

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	8:05CR412
	)	
Plaintiff,	)	
	)	
vs.	)	ORDER
	)	
THOMAS POWELL,	)	
	)	
Defendant.	)	

Before the court is the government's motion for Rule 35(b) hearing. Filing No. 26. Having considered the matter,

IT IS ORDERED that:

1. A hearing on the government's Rule 35 motion is scheduled for hearing before the undersigned on **April 24, 2007, at 1:30 p.m.** in Courtroom No. 3, Roman L. Hruska U.S. Courthouse, 111 South 18<sup>th</sup> Plaza, Omaha, Nebraska.

2. At the request of the defendant through his counsel, and with the agreement of the government, the defendant may be absent from the hearing on the Rule 35 motion. Defense counsel has indicated that the defendant does not wish to be returned to this district for the hearing.

**3. The Marshal will not return the defendant to the district, and the defendant is held to have waived his right to be present.** If the defendant wishes to participate telephonically in the hearing, his attorney must notify chambers at least 24 hours before the hearing of the telephone number and contact person at the institution which defendant is incarcerated.

DATED this 10th day of April, 2007.

BY THE COURT:

s/ Joseph F. Bataillon  
JOSEPH F. BATAILLON  
United States District Judge